

REMARKS

In accordance with the foregoing, claims 24-27, 29 and 31-34 have been amended. Claims 24-27, 29 and 31-34 are pending and under consideration.

Item 3 of the Office Action rejected claims 24-27, 29 and 31-34 as being unpatentable over Woolston (U.S. Patent 6,085,176) and Busch et al. (Patent Application 2002/0028708). All rejections are traversed and reconsideration is respectfully requested.

Newly cited Busch et al. is related to a system that "creates the ability for the players of a given promotion to join together via the system and increase all players' odds of winning a given prize or prizes" (Abstract, lines 10-12), where "the players are participating in a particular 'collect & win' or 'match & win', or other type of promotional game" (paragraph [0038], lines 7-9). Thus, Busch et al. discloses allowing players of a promotional game to increase their odds of winning by sharing collectable game pieces. In contrast, as discussed in the Supplemental Amendment filed on August 17, 2006, Woolston is directed to management of product statuses associated with selling and buying orders received from customers in a secondhand marketplace. It is submitted that there is no motivation to combine Busch et al. and Woolston as done in the Office Action, because Busch et al. is directed to collecting game pieces for a promotional game and Woolston is directed to sales management. Since there is no motivation to combine Busch et al. and Woolston, it is submitted that Busch et al. and Woolston fail to teach or suggest all the features recited in claims 24-27, 29 and 31-34.

In addition, nothing has been cited or found in either Busch et al. or Woolston, individually or in combination, that teaches "consolidating ... unwanted merchandise by attribute" as recited in claims 24-26 and 32, for example, on line 9 of claim 24. Busch et al. merely teaches consolidating unwanted playing pieces. It is submitted that playing pieces are not "merchandise" as recited in the independent claims. Furthermore, Busch et al. does not teach or suggest consolidating anything by attributes, while Woolston does not teach or suggest consolidating anything at all.

Claim 27 recites "records consolidated by attribute of the unwanted merchandise" (claim 27, line 8). Therefore, it is submitted that claim 27 is patentably distinguishable over the cited prior art.

Claim 33 recites "consolidating selected records for unwanted merchandise" (claim 33, line 7) which does not use the term "attribute," but still distinguishes over Busch et al. and Woolston, since these references, taken individually or in combination, do not teach or suggest

consolidating merchandise records. As discussed above, only Busch et al. discloses consolidating and what is consolidated in Busch et al. are game pieces which are not "merchandise" as defined, e.g., in Merriam-Webster's Online Dictionary, 10th Edition, as "commodities or goods that are bought and sold in business." Therefore, it is submitted that claim 33, as well as claim 34 which depends therefrom and adds further patentable distinctions, are patentably distinguishable over the cited prior art.

Claim 29 recites "transmitting a result of said determining to the customer when determining that the customer possesses the merchandise stated in the purchase order" at lines 13-14. The Office Action cited a portion of Woolston that disclosed "locally sold that have already been sold on the market maker computer 800 will not be inadvertently sold twice" (column 18, lines 35-37). Thus, the cited portion of Woolston discussed preventing goods from being sold twice. It did not discuss transmitting anything to a consumer when it is determined that the consumer possesses merchandise. Additionally, as previously stated, Busch et al. did not disclose anything pertaining to merchandise. Therefore, it is submitted that claim 29 is patentably distinguishable over Woolston or Busch et al., individually or in combination.

Claim 31 recites "removing identified merchandise from a selling-range of merchandise offered to the customer based on the first and third through fifth record types when offering the selling-range of merchandise to the customer" at lines 18-20. Nothing was cited or found in Woolston or Busch et al., individually or in combination, that teaches or suggests "offering the selling-range of merchandise to the customer" as recited above. Therefore, it is submitted that claim 31 is patentably distinguishable over Woolston or Busch et al., individually or in combination.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/960,300

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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